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6-25-02  
Melissa Scanzillo  
Melissa Scanzillo  
Clifford Chance Rogers & Wells LLP

#8

**Docket No. 7157-340**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Roustaei et al.

Filed: May 25, 2000

Group Art Unit: 2876

Serial No: 09/579,023

Examiner: to be determined

For: OPTICAL SCANNER FOR READING AND DECODING ONE-AND-TWO-DIMENSIONAL SYMBOLOGIES AT VARIABLE DEPTHS OF FIELD INCLUDING MEMORY EFFICIENT HIGH SPEED IMAGE PROCESSING MEANS AND HIGH ACCURACY IMAGE ANALYSIS MEANS

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Commissioner for Patents  
Washington, D.C. 20231

OFFICE OF PETITIONS

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)**

Sir:

In response to the Decision Refusing Status Under 37 CFR 1.47 (a) dated February 26, 2002, Applicants respectfully Request Reconsideration of the Petition filed July 21, 2000. The Petition was denied in that it lacked (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort; and (2) a proper oath or Declaration executed by the available joint inventor(s).

As to the above items, enclosed please find the following:

1. ☒ Copy of Declaration of Ms. Melissa Scanzillo under 35 CFR 1.47(a) in Support of Accepting a Declaration when an Inventor Refuses to Sign and Exhibits.
2. ☒ Fee as set forth under 37 CFR §1.17(i).
3. ☒ Petition for an Extension of Time.

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EPI  
date: 07/12/2002  
AMONDAF1 00000039  
130.00 CN  
Adm. Fee: 130.00  
NY 07/11/2002  
01 540658.1

Applicants respectfully state that a *bona fide* and diligent attempt was made to obtain Mr. Long-Xiang Bian's, Mr. Roland L. Lawrence's, Mr. Ali Lebaschi's and Mr. Alexander R. Roustaei's signature and that Mr. Long-Xiang Bian, Mr. Roland L. Lawrence, Mr. Ali Lebaschi and Mr. Alexander R. Roustaei refused to execute the reissue declaration of inventorship.

The enclosed reissue declaration for this application bears Mr. Long-Xiang Bian's, Mr. Roland L. Lawrence's, Mr. Ali Lebaschi's, Mr. Alexander R. Roustaei's and Mr. Donald Fisher's name and has been executed by Mr. Donald Fisher on April 10, 2002.

A LexisNexis computer search shows the last known addresses of Mr. Long-Xiang Bian, Mr. Roland L. Lawrence, Mr. Ali Lebaschi and Mr. Alexander R. Roustaei as follows

Mr. Long Xiang Bian, 2664 N. McMullen Boot, Clearwater, FL 33761;

Mr. Roland Lawrence, 2984 Lawrence Lane, Escondido, CA 92025;

Mr. Ali Lebaschi, 4158 Decoro Street Apt. 65, San Diego, CA 92122 and

Mr. Alexander R. Roustaei, 7372 Fay Avenue, La Jolla, CA 92037.

Applicants respectfully request the grant of this Petition.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fee, or credit any overpayment to Deposit Account No. 50-0521. A duplicate copy of this transmittal is enclosed.

Date:

6/25/02

Respectfully submitted,



Mitchell S. Feller  
Reg. No. 42,530

Clifford Chance Rogers & Wells LLP  
200 Park Avenue  
New York, NY 10166-0153  
Telephone: (212) 878-8545

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UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>7/10/02</u>		2 Serial/Patent # <u>09/579,023</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
X	Petition	8	6/28/02	\$ 130.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 130.00							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
X	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"> <tr> <td style="width: 20px;">5</td> <td style="width: 20px;">0</td> <td style="width: 20px;">--</td> <td style="width: 20px;">0</td> <td style="width: 20px;">5</td> <td style="width: 20px;">2</td> <td style="width: 20px;">1</td> </tr> </table>			5	0	--	0	5	2	1
5	0	--	0	5	2	1					
X	No Fee Due (Explanation):										
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>E. Shirene Willis</u>			TITLE: <u>Petitions Attorney</u>								
SIGNATURE: <u>E. Shirene Willis</u>			PHONE: <u>308-6712</u>								
OFFICE: <u>Office of Petitions</u>											
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APPROVED: <u>Han Le</u>			DATE: <u>7/12/02</u>								

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